



# Journal of the Senate

State of Indiana

115th General Assembly

Second Regular Session

Seventeenth Meeting Day

Thursday Afternoon

February 14, 2008

The Senate convened at 1:54 p.m., with the President Pro Tempore of the Senate, David C. Long, in the Chair.

Prayer was offered by Pastor Rod Beheler, Moscow Christian Church, Milroy.

The Pledge of Allegiance to the Flag was led by Senator Robert N. Jackman.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting <input checked="" type="checkbox"/>	Long
Arnold	Lubbers
Becker	Meeks
Boots	Merritt
Bray	Miller
Breaux	Mishler
Brodén	Mrvan
Charbonneau	Nugent
Deig	Paul
Delph	Riegsecker
Dillon	Rogers
Drozda	Simpson
Errington	Sipes
Ford <input checked="" type="checkbox"/>	Skinner
Gard	Smith
Hershman	Steele
Howard <input checked="" type="checkbox"/>	Tallian
Hume	Walker
Jackman	Waltz
Kenley	Waterman
Kruse	Weatherwax
Lanane	Wyss
Landske	Young, M.
Lawson	Young, R.
Lewis	Zakas

Roll Call 194: present 47; excused 3. [Note: A ☒ indicates those who were excused.] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

## RESOLUTIONS ON FIRST READING

### Senate Concurrent Resolution 49

Senate Concurrent Resolution 49, introduced by Senator Smith:

A CONCURRENT RESOLUTION urging the United States Congress to impose a moratorium on home foreclosures and to establish a homeowners and bank protection act.

*Whereas, A financial crisis involving home mortgages debt instruments and the United States banking system threatens the U.S. economy and that this crisis threatens the stability of federal and chartered banks;*

*Whereas, Financial investments and home ownership are the fabric of economic stability and the stability of financial institutions and that significant numbers of Americans and Indiana residents are facing foreclosures on their homes;*

*Whereas, The quality of life in any community can be directly related to the responsiveness of government and its ability to meet the needs and expectations of its citizens; and*

*Whereas, Hoosiers understand the connection and elect leaders with certain expectations regarding the service they will provide and the role they will play in their lives and those elected to serve the citizens of Indiana accept the privilege of service with the understanding of their responsibility and the expectation of the community: Therefore,*

*Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly urges the United States Congress to enact legislation that will help struggling U.S. homeowners to avoid foreclosures or the loss of their home.

SECTION 2. That the Indiana General Assembly urges the United States Congress to take any action they deem appropriate to help ensure affordable monthly home mortgage payments for U.S. homeowners.

SECTION 3. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to members of the United States Senate and the House of Representatives.

The resolution was read in full and referred to the Committee on Rules and Legislative Procedure.

### Senate Resolution 7

Senate Resolution 7, introduced by Senator R. Young:

A SENATE RESOLUTION urging the Legislative Council to assign the topic of fractional pricing of gasoline and diesel fuel to a committee for further study during the interim.

*Whereas, With the increasing cost of gasoline, fractional pricing of gasoline and diesel fuel is an important topic affecting Hoosiers that deserves serious consideration from the legislature; and*

*Whereas, In 2008, several state legislatures (Hawaii, Georgia, New Hampshire, New Jersey, New York, Rhode Island, and West Virginia) considered legislation prohibiting the retail selling of gasoline and diesel fuel with fractional pricing: Therefore,*

*Be it resolved by the Senate of the  
General Assembly of the State of Indiana:*

SECTION 1. That the Legislative Council is urged to assign the topic fractional pricing of gasoline and diesel fuel to a committee for study and research during the interim.

SECTION 2. That the committee, if established, shall operate under the direction of the legislative council, and that the committee shall issue a final report when directed to do so by the council.

The resolution was read in full and referred to the Committee on Rules and Legislative Procedure.

## REPORTS FROM COMMITTEES

### COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Engrossed House Bill 1107, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 9, after "students;" insert **"and"**.  
 Page 1, delete lines 10 through 12.  
 Page 1, line 13, delete "(5)" and insert **"(3)"**.  
 Page 1, line 13, delete "or religious".  
 Page 2, line 5, delete "knowledge, experiences, and" and insert **"knowledge and experiences"**.  
 Page 2, line 6, delete "performance styles".  
 Page 2, delete lines 14 through 15.  
 Page 2, line 16, delete "(4)" and insert **"(2)"**.  
 Page 2, line 17, delete "(5)" and insert **"(3)"**.  
 Page 2, line 17, delete "or religious".  
 Page 2, delete lines 23 through 30.  
 Page 2, line 34, delete "countries," and insert **"countries or"**.  
 Page 2, line 35, delete "groups, or religions." and insert **"groups."**.  
 Page 3, line 4, delete "ideologies, and".  
 Page 3, line 5, delete "integrate".  
 Page 3, line 5, delete "and assessments".  
 Page 3, line 6, delete "to achieve".  
 Page 3, line 7, delete "equitable outcomes".  
 Page 3, line 8, delete "recommend," and insert "recommend".  
 Page 3, line 8, delete "evaluate, and".  
 Page 3, line 9, delete "implement continual".  
 Page 3, delete lines 14 through 27, begin a new paragraph and insert:

**"(d) A teacher licensed under IC 20-28-5 must participate in diversity and multicultural training. The training must be directly correlated with the school's improvement plan and accreditation process under this article.**

**(e) Each governing body shall ensure cultural competency accountability by developing a policy that includes procedures for determining whether a school is making progress toward improving the cultural competency of the school's teachers, administrators, and staff, and the impact on students."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1107 as reprinted January 30, 2008.)  
 and when so amended that said bill do pass.

Committee Vote: Yeas 5, Nays 2.

LUBBERS, Chair

Report adopted.

### COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Engrossed House Bill 1184, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass and be reassigned to the Senate Committee on Appropriations.

Committee Vote: Yeas 8, Nays 0.

LUBBERS, Chair

Report adopted.

### COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Engrossed House Bill 1019, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 15.

Renumber all SECTIONS consecutively.

(Reference is to HB 1019 as reprinted January 25, 2008.)  
 and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

MEEKS, Chair

Report adopted.

### COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Engrossed House Bill 1204, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

Page 2, line 5, delete "An individual" and insert **"Two (2) individuals"**.

Page 2, line 7, delete "An individual" and insert **"Two (2) individuals"**.

Page 2, line 9, delete "who is a member of the Hoosier State Press" and insert **"representing an Indiana newspaper that maintains a twenty-four (24) hour web site,"**.

Page 2, line 10, delete "Association,".

Page 2, between lines 10 and 11, begin a new line block indented and insert:

**"(8) An individual representing a video service provider that provides video service to Indiana consumers, appointed by the governor."**

Page 2, line 13, delete "the later of the following:" and insert **"one (1) of the following dates, whichever applies, during the year in which the member is appointed:"**.

Page 2, line 14, delete "1 after the member is appointed." and insert **"1, if the member is appointed on or before July 1."**

Page 2, line 16, delete "appointment." and insert **"appointment, if the member is appointed after July 1."**

Page 2, between lines 29 and 30, begin a new line block indented and insert:

**"(4) Make applications for private, local, state, or federal grants to be used to enhance or improve the emergency alert system."**

Page 3, delete lines 11 through 16, begin a new paragraph and insert:

**"SECTION 2. IC 36-8-16-14, AS AMENDED BY P.L.104-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 14. (a) The emergency telephone system fees shall be used only to pay for:**

- (1) the lease, purchase, or maintenance of enhanced emergency telephone equipment, including necessary computer hardware, software, and data base provisioning;**
- (2) the rates associated with the service suppliers' enhanced emergency telephone system network services;**
- (3) the personnel expenses of the emergency telephone system;**
- (4) the lease, purchase, construction, or maintenance of voice and data communications equipment, communications infrastructure, or other information technology necessary to provide emergency response services under authority of the unit imposing the fee; and**
- (5) an emergency telephone notification system under IC 36-8-21.**

The legislative body of the unit may appropriate money in the fund only for such an expenditure.

**(b) This subsection applies to a county that:**

- (1) imposes a fee under section 5 of this chapter; and**
- (2) contains a municipality that operates a PSAP (as defined in IC 36-8-16.5-13).**

Not later than January 31 of each year, the county fiscal body shall submit to each municipality described in subdivision (2) a report of all expenditures described in subsection (a) paid during the immediately preceding calendar year.

**(c) The state board of accounts shall audit the expenditures of emergency telephone system fees made during each of the following calendar years by each unit that imposed a fee under section 5 of this chapter during the following calendar years:**

- (1) The calendar year ending December 31, 2005.**
- (2) The calendar year ending December 31, 2006.**
- (3) The calendar year ending December 31, 2007.**

Not later than November 1, 2008, the state board of accounts shall report to the regulatory flexibility committee established by IC 8-1-2.6-4 on the audits conducted under this subsection.

**(d) The state board of accounts annually shall audit the**

**expenditures of emergency telephone system fees made during the immediately preceding calendar year by each unit that imposes a fee under section 5 of this chapter. The state board of accounts shall conduct the first audits required by this subsection with respect to expenditures of emergency telephone system fees made during the calendar year ending December 31, 2008.**

**(e) In conducting the audits required under subsections (c) and (d), the state board of accounts shall determine whether the expenditures made by each unit are in compliance with:**

- (1) subsection (a); and**
- (2) section 15 of this chapter, as appropriate.**

SECTION 3. IC 36-8-16.5-51 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 51. (a) For purposes of this section, a PSAP includes a public safety communications system operated and maintained under IC 36-8-15.**

**(b) As used in this section, "PSAP operator" means:**

- (1) a political subdivision; or**
- (2) an agency;**

**that operates a PSAP. The term does not include a state educational institution that operates a PSAP.**

**(c) Except as provided in subsection (d), after December 31, 2011, a county may contain only one (1) PSAP, plus any back up system needed to assist the PSAP during:**

- (1) an emergency; or**
- (2) any other time;**

**in which the PSAP is unable to assume its normal operations.**

**(d) A county may contain one (1) or more PSAPs in addition to the PSAP authorized under subsection (c), as long as any additional PSAPs are operated by a state educational institution.**

**(e) Before January 1, 2012, each PSAP operator in a county that contains more than one (1) PSAP shall enter into an interlocal agreement under IC 36-1-7 with every other PSAP operator in the county to ensure that the county does not contain more than one (1) PSAP after December 31, 2011.**

**(f) An interlocal agreement required under subsection (e) may include as parties, in addition to the PSAP operators required to enter into the interlocal agreement under subsection (e), any of the following that seek to be served by a county's PSAP after December 31, 2011:**

- (1) Other counties contiguous to the county.**
- (2) Other political subdivisions in a county contiguous to the county.**
- (3) Other PSAP operators in a county contiguous to the county.**

**(g) An interlocal agreement required under subsection (e) must provide for the following:**

- (1) A plan for the:**
  - (A) consolidation;**
  - (B) reorganization; or**
  - (C) elimination;**

**of one (1) or more of the county's PSAPs, as necessary to ensure that the county does not contain more than one (1) PSAP after December 31, 2011.**

(2) A plan for funding and staffing the PSAP that will serve:

(A) the county; and

(B) any areas contiguous to the county, if additional parties described in subsection (f) participate in the interlocal agreement;

after December 31, 2011.

(3) Subject to any applicable state or federal requirements, protocol to be followed by the county's PSAP in:

(A) receiving incoming 911 calls; and

(B) dispatching appropriate public safety agencies to respond to the calls;

after December 31, 2011.

(4) Any other matters that the participating PSAP operators or parties described in subsection (f), if any, determine are necessary to ensure that the county does not contain more than one (1) PSAP after December 31, 2011.

(h) This section may not be construed to require a county to contain a PSAP.

SECTION 4. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "committee" refers to the regulatory flexibility committee established by IC 8-1-2.6-4.

(b) As used in this SECTION, "PSAP" has the meaning set forth in IC 36-8-16.5-13.

(c) The committee shall study the appropriate mechanisms for funding both wireline and wireless enhanced emergency telephone systems in Indiana.

(d) In conducting the study required by this SECTION, the committee shall consider the following:

(1) The appropriateness of replacing:

(A) the wireline enhanced emergency telephone system fee that may be imposed under IC 36-8-16; and

(B) the wireless emergency enhanced 911 fee imposed under IC 36-8-16.5;

with a single fee that would apply to all voice communications service, regardless of the technology or protocol used to provide the service.

(2) The appropriate means for collecting and distributing any fees determined to be appropriate under subdivision (1).

(3) The appropriate uses by:

(A) PSAPs;

(B) counties;

(C) municipalities; or

(D) other political subdivisions or agencies;

of any fees determined to be appropriate under subdivision (1).

(4) The appropriate agency, board, commission, or other body to administer the collection, distribution, and investment of any fees determined to be appropriate under subdivision (1).

(5) The audits conducted by the state board of accounts under IC 36-8-16-14(c), as added by this act.

(6) Any other issues the committee determines to be appropriate in considering the mechanisms for funding

wireline and wireless enhanced emergency telephone systems in Indiana.

(e) The committee shall prepare a report on the committee's recommendations, if any, concerning the issues described in subsection (d) and shall submit the report to the legislative council in an electronic format under IC 5-14-6 not later than December 1, 2008.

(f) This SECTION expires January 1, 2009.

SECTION 5. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

(Reference is to HB 1204 as reprinted January 30, 2008.)

and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

MEEKS, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Utilities and Regulatory Affairs, to which was referred Engrossed House Bill 1159, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT concerning utilities.

Delete everything after the enacting clause and insert the following:

SECTION 1. [EFFECTIVE UPON PASSAGE] (a) The definitions in IC 8-1-19.5 apply throughout this SECTION.

(b) As used in this SECTION, "committee" refers to the regulatory flexibility committee established by IC 8-1-2.6-4.

(c) As used in this SECTION, "information and referral services" includes the following:

(1) Toll free information and referral telephone lines.

(2) Human services data bases.

(3) Human services resource directories.

(d) Not later than November 1, 2008, the committee shall study the following:

(1) The availability and scope of human service information and referral services in Indiana.

(2) Methods to:

(A) enhance the use and delivery of; and

(B) ensure the adequate funding of;

information and referral services in Indiana, including statewide 211 services.

(3) Methods to promote increased collaboration between and among:

(A) human services providers; and

(B) information and referral service providers; in Indiana.

(e) In conducting the study required under subsection (d), the committee may consult with:

(1) the Indiana utility regulatory commission created by IC 8-1-1-2;

(2) any state agency or department that provides human services;

(3) any nonprofit organization that provides human services;

- (4) a recognized 211 service provider; or
- (5) any other person that the committee determines will assist the committee in studying the issues set forth in subsection (d).

(f) The committee shall prepare a report on the committee's recommendations, if any, concerning the issues set forth in subsection (d) and shall submit the report to the legislative council in an electronic format under IC 5-14-6 not later than December 1, 2008.

(g) This SECTION expires January 1, 2009.

SECTION 2. An emergency is declared for this act.

(Reference is to HB 1159 as printed January 25, 2008.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

HERSHMAN, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Engrossed House Bill 1250, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17, begin a new paragraph and insert:

"SECTION 1. IC 6-9-7-3 IS amended TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. (a) The commission may:

- (1) accept and use gifts, grants, and contributions from any public or private source, under terms and conditions which the commission deems necessary and desirable;
- (2) sue and be sued;
- (3) enter into contracts and agreements, including contracts and agreements not to exceed ten (10) years;
- (4) make rules and regulations necessary for the conduct of its business and the accomplishment of its purposes;
- (5) receive and approve, alter, or reject requests and proposals for funding by any nonprofit corporations or political subdivisions;
- (6) after its approval of a proposal, transfer money, quarterly or less frequently, from any available funds pursuant to section 7(b)(2) or 7(c)(1) of the commission under section 7 of this chapter for the purpose of promotion and encouragement in the county of conventions, trade shows, visitors, or special events; and
- (7) require financial or other reports from any entity that receives funds under this chapter.

(b) A majority of the commission constitutes a quorum for the transaction of business, and the concurrence of a majority of those present is necessary to authorize any action. However, the commission shall not transact any business without first giving written notice to the director of the county parks and recreation board at least forty-eight (48) hours in advance of the convening of a meeting at which business is to be transacted.

SECTION 2. IC 6-9-7-7, AS AMENDED BY P.L.167-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 7. (a) The county treasurer shall establish an innkeeper's tax fund. The treasurer shall deposit

in that fund all money received under section 6 of this chapter that is attributable to an innkeeper's tax rate that is not more than five percent (5%).

(b) Money in the innkeeper's tax fund shall be expended in the following order: distributed as follows:

(1) Through July 1999, not more than the revenue needed to service bonds issued under IC 36-10-3-40 through IC 36-10-3-45 and outstanding on January 1, 1993, may be used to service bonds. The county auditor shall make a semiannual distribution; at the same time property tax revenue is distributed; to a park and recreation district that has issued bonds payable from a county innkeeper's tax. Each semiannual distribution must be equal to one-half (1/2) of the annual principal and interest obligations on the bonds. Money received by a park and recreation district under this subdivision shall be deposited in a special fund to be used to service the bonds. During August 1999 the money that had been set aside to cover bond payments that remains after the bonds have been retired plus sixty percent (60%) of the tax revenue during August 1999 through December 1999 shall be distributed to the county treasurer to be used by the county park board, subject to appropriation by the county fiscal body.

(2) To the commission for its general use in paying operating expenses and to carry out the purposes set forth in section 3(a)(6) of this chapter. However, the amount that may be distributed under this subdivision during any particular year may not exceed the proceeds derived from an innkeeper's tax of two percent (2%) through December 1999 and fifty percent (50%) of the tax revenue beginning January 2000 and continuing through December 2014.

(3) For the period beginning July 1, 2002, through December 2014, fifty percent (50%) of the revenue to the county treasurer to be credited by the treasurer to a special account. The county treasurer shall distribute money in the special account as follows:

(A) Seventy-five percent (75%) of the money in the special account

(1) Thirty percent (30%) shall be distributed to the department of natural resources for the development of projects in the state park on the county's largest river, including its tributaries.

(B) Twenty-five percent (25%) of the money in the special account shall be distributed to a community development corporation that serves a metropolitan area in the county that includes:

- (i) a city having a population of more than fifty-five thousand (55,000) but less than fifty-nine thousand (59,000); and
- (ii) a city having a population of more than twenty-eight thousand seven hundred (28,700) but less than twenty-nine thousand (29,000);

for the community development corporation's use in tourism; recreation; and economic development activities. For the period beginning July 1, 2002, and continuing through December 2012, the community development corporation shall provide not less than forty percent (40%) of the money received from the

special account under this clause as a grant to a nonprofit corporation that leases land in the state park described in this subdivision for the nonprofit corporation's use in noncapital projects in the state park. Money in the special account may not be used for any other purpose. The money credited to the account that has not been used as specified in this subdivision by January 1, 2015, shall be transferred to the commission to be used to make grants as provided in subsection (c)(2).

(c) Money in the innkeeper's tax fund subject to appropriation by the county council shall be allocated and distributed after December 2014 as follows:

(1) Fifty percent (50%) of the revenue to the commission for the commission's general use in paying operating expenses and to carry out the purposes set forth in section 3(a)(6) of this chapter.

(2) The remainder to the commission to be used solely to make grants for the development of recreation and tourism projects. The commission shall establish and make public the criteria that will be used in analyzing and awarding grants. At least ten percent (10%) but not more than fifteen percent (15%) of the grants may be awarded for noncapital projects. Grants may be made only to the following entities upon application by the executive of the entity:

(A) The county for deposit in a special account.

(B) The most populated city in the county for deposit in a special account.

(C) The second most populated city in the county for deposit in a special account.

(D) The Tippecanoe County Wabash River parkway commission, but only so long as the interlocal agreement among the political subdivisions listed in clauses (A) through (C) is in effect. Money received by the parkway commission shall be segregated in a special account.

(d) Money credited to special accounts under subsection (c)(2) shall be used only for recreation or tourism projects, or both.

(2) Seventy percent (70%) shall be distributed to a special account administered by the county treasurer. The county fiscal body may appropriate money in the special account only as follows:

(A) At least ten percent (10%) of the amount appropriated annually from the special account must be appropriated to Historic Prophetstown to be used by Historic Prophetstown for carrying out its purposes.

(B) At least ten percent (10%) of the amount appropriated annually from the special account must be appropriated to a community development corporation that serves a metropolitan area in the county that includes:

(i) a city having a population of more than fifty-five thousand (55,000) but less than fifty-nine thousand (59,000); and

(ii) a city having a population of more than twenty-eight thousand seven hundred (28,700) but less than twenty-nine thousand (29,000);

for the community development corporation's use in

tourism, recreation, and economic development activities.

(C) At least ten percent (10%) of the amount appropriated annually from the special account must be appropriated to the Wabash River Enhancement Corporation to assist the Wabash River Enhancement Corporation in carrying out its purposes.

(D) At least ten percent (10%) of the amount appropriated annually from the special account must be appropriated to the commission for its general use in paying operating expenses and to carry out the purposes set forth in section 3(a)(6) of this chapter.

(E) After amounts have been appropriated as provided in clauses (A) through (D), the county fiscal body may appropriate any money remaining in the special account to any one (1) or more of the entities described in clauses (A) through (D).

(c) An advisory commission consisting of the following members is established:

(1) The director of the department of natural resources or the director's designee.

(2) The public finance director or the public finance director's designee.

(3) A member appointed by the Native American Indian affairs commission.

(4) A member appointed by Historic Prophetstown.

(5) A member appointed by the community development corporation described in subsection (b)(2)(B).

(6) A member appointed by the Wabash River Enhancement Corporation.

(7) A member appointed by the commission.

(8) A member appointed by the county fiscal body.

(9) A member appointed by the town board of the town of Battleground.

(10) A member appointed by the mayor of the city of Lafayette.

(11) A member appointed by the mayor of the city of West Lafayette.

(d) The following apply to the advisory commission:

(1) The governor shall appoint a member of the advisory commission as chairman of the advisory commission.

(2) Six (6) members of the advisory commission constitute a quorum. The affirmative votes of at least six (6) advisory commission members are necessary for the advisory commission to take official action other than to adjourn or to meet to hear reports or testimony.

(3) The advisory commission shall make recommendations concerning the use of any proceeds of bonds issued to finance the development of Prophetstown State Park.

(4) Members of the advisory commission who are state employees:

(A) are not entitled to any salary per diem; and

(B) are entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and to

reimbursement for other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(e) The Indiana finance authority, in its capacity as the recreational development commission, may issue bonds for the development of Prophetstown State Park under IC 14-14-1."

Delete page 2.

Page 3, delete lines 1 through 40, begin a new paragraph and insert:

"SECTION 2. IC 6-9-40 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

**Chapter 40. Angola Food and Beverage Tax**

**Sec. 1.** This chapter applies to the city of Angola.

**Sec. 2.** The definitions in IC 6-9-12-1 apply throughout this chapter.

**Sec. 3. (a)** The fiscal body of the city may adopt an ordinance to impose an excise tax, known as the municipal food and beverage tax, on transactions described in section 4 of this chapter.

**(b)** If the fiscal body adopts an ordinance under subsection (a), the fiscal body shall immediately send a certified copy of the ordinance to the department of state revenue.

**(c)** If the fiscal body adopts an ordinance under subsection (a), the municipal food and beverage tax applies to transactions that occur after the last day of the month that succeeds the month in which the ordinance was adopted.

**Sec. 4. (a)** Except as provided in subsection (c), a tax imposed under section 3 of this chapter applies to a transaction in which food or beverage is furnished, prepared, or served:

- (1) for consumption at a location or on equipment provided by a retail merchant;
- (2) in the city in which the tax is imposed; and
- (3) by a retail merchant for consideration.

**(b)** Transactions described in subsection (a)(1) include transactions in which food or beverage is:

- (1) served by a retail merchant off the merchant's premises;
- (2) food sold in a heated state or heated by a retail merchant;
- (3) made of two (2) or more food ingredients, mixed or combined by a retail merchant for sale as a single item (other than food that is only cut, repackaged, or pasteurized by the seller, and eggs, fish, meat, poultry, and foods containing these raw animal foods requiring cooking by the consumer as recommended by the federal Food and Drug Administration in chapter 3, subpart 3-401.11 of its Food Code so as to prevent food borne illnesses); or
- (4) food sold with eating utensils provided by a retail merchant, including plates, knives, forks, spoons, glasses, cups, napkins, or straws (for purposes of this subdivision, a plate does not include a container or package used to transport the food).

**(c)** The municipal food and beverage tax does not apply to the furnishing, preparing, or serving of a food or beverage in a transaction that is exempt, or to the extent the transaction is exempt, from the state gross retail tax imposed by IC 6-2.5.

**Sec. 5.** The municipal food and beverage tax imposed on a food or beverage transaction described in section 4 of this chapter equals one percent (1%) of the gross retail income received by the merchant from the transaction. For purposes of this chapter, the gross retail income received by the retail merchant from a transaction does not include the amount of tax imposed on the transaction under IC 6-2.5.

**Sec. 6.** A tax imposed under this chapter shall be imposed, paid, and collected in the same manner that the state gross retail tax is imposed, paid, and collected under IC 6-2.5. However, the return to be filed with the payment of the tax imposed under this chapter may be made on a separate return or may be combined with the return filed for the payment of the state gross retail tax, as prescribed by the department of state revenue.

**Sec. 7.** The amounts received from the tax imposed under this chapter shall be paid monthly by the treasurer of state to the city fiscal officer upon warrants issued by the auditor of state.

**Sec. 8. (a)** If a tax is imposed under section 3 of this chapter by a city described in section 1 of this chapter, the fiscal officer of the city shall establish a food and beverage tax receipts fund.

**(b)** The fiscal officer of the city shall deposit in this fund all amounts received under this chapter.

**(c)** Money earned from the investment of money in the fund becomes a part of the fund.

**Sec. 9. (a)** Except as provided in subsection (b), money in the fund established under section 8 of this chapter shall be used by the city only for the following purposes:

- (1) Construction, extension, or completion of sewerlines, waterlines, streets, curbs, sidewalks, bridges, roads, highways, alleys, public ways, parking facilities, lighting, electric signals, information and high technology infrastructure (as defined IC 5-28-9-4), and any other infrastructure improvements.
- (2) Engineering, legal, and other consulting or advisory services, plans, specifications, surveys, cost estimates, and other costs or expenses necessary or incident to activities described in subdivision (1).
- (3) Park and recreation purposes, including the purchase of land for park and recreation purposes.
- (4) Police and law enforcement purposes, firefighting and fire prevention purposes, emergency medical services and ambulance services, and other public safety purposes.

**(b)** The fiscal body of the city may pledge money in the fund to pay bonds issued, loans obtained, and lease payments or other obligations incurred by or on behalf of the city to provide the infrastructure improvements described in subsection (a).

**(c)** A pledge under subsection (b) is enforceable under IC 5-1-14-4.

Sec. 10. With respect to obligations for which a pledge has been made under section 9(b) of this chapter, the general assembly covenants with the holders of the obligations that this chapter will not be repealed or amended in a manner that will adversely affect the imposition or collection of the tax imposed under this chapter if the payment of any of the obligations is outstanding.

Sec. 11. The general assembly finds that the city of Angola faces unique challenges because of its fluctuating population and that the challenges may be addressed through the provisions of this chapter.

SECTION 3. IC 6-9-41 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

#### **Chapter 41. Greendale Food and Beverage Tax**

Sec. 1. This chapter applies to a city:

- (1) located in a county having a population of more than forty-six thousand one hundred eight (46,108) but less than forty-six thousand two hundred fifty (46,250); and
- (2) having a population of more than four thousand two hundred (4,200) but less than four thousand three hundred fifty (4,350).

Sec. 2. The definitions in IC 6-9-12-1 apply throughout this chapter.

Sec. 3. (a) The fiscal body of the city may adopt an ordinance to impose an excise tax, known as the municipal food and beverage tax, on transactions described in section 4 of this chapter.

(b) If the fiscal body adopts an ordinance under subsection (a), the fiscal body shall immediately send a certified copy of the ordinance to the department of state revenue.

(c) If the fiscal body adopts an ordinance under subsection (a), the city food and beverage tax applies to transactions that occur after the last day of the month that succeeds the month in which the ordinance was adopted.

Sec. 4. (a) Except as provided in subsection (c), a tax imposed under section 3 of this chapter applies to a transaction in which food or beverage is furnished, prepared, or served:

- (1) for consumption at a location or on equipment provided by a retail merchant;
- (2) in the city in which the tax is imposed; and
- (3) by a retail merchant for consideration.

(b) Transactions described in subsection (a)(1) include transactions in which food or beverage is:

- (1) served by a retail merchant off the merchant's premises;
- (2) food sold in a heated state or heated by a retail merchant;
- (3) made of two (2) or more food ingredients, mixed or combined by a retail merchant for sale as a single item (other than food that is only cut, repackaged, or pasteurized by the seller, and eggs, fish, meat, poultry, and foods containing these raw animal foods requiring cooking by the consumer as recommended by the federal Food and Drug Administration in chapter 3, subpart 3-401.11 of its Food Code so as to prevent food borne illnesses); or

(4) food sold with eating utensils provided by a retail merchant, including plates, knives, forks, spoons, glasses, cups, napkins, or straws (for purposes of this subdivision, a plate does not include a container or package used to transport the food).

(c) The city food and beverage tax does not apply to the furnishing, preparing, or serving of a food or beverage in a transaction that is exempt, or to the extent the transaction is exempt, from the state gross retail tax imposed by IC 6-2.5.

Sec. 5. The city food and beverage tax imposed on a food or beverage transaction described in section 4 of this chapter equals one percent (1%) of the gross retail income received by the merchant from the transaction. For purposes of this chapter, the gross retail income received by the retail merchant from a transaction does not include the amount of tax imposed on the transaction under IC 6-2.5.

Sec. 6. A tax imposed under this chapter shall be imposed, paid, and collected in the same manner that the state gross retail tax is imposed, paid, and collected under IC 6-2.5. However, the return to be filed with the payment of the tax imposed under this chapter may be made on a separate return or may be combined with the return filed for the payment of the state gross retail tax, as prescribed by the department of state revenue.

Sec. 7. The amounts received from the tax imposed under this chapter shall be paid monthly by the treasurer of state to the city fiscal officer upon warrants issued by the auditor of state.

Sec. 8. (a) If a tax is imposed under section 3 of this chapter by a city described in section 1 of this chapter, the fiscal officer of the city shall establish a food and beverage tax receipts fund.

(b) The fiscal officer of the city shall deposit in this fund all amounts received under this chapter.

(c) Money earned from the investment of money in the fund becomes a part of the fund.

Sec. 9. (a) Except as provided in subsection (b), money in the fund established under section 8 of this chapter shall be used by the city for the purchase, financing, construction, leasing, operation, or maintenance of the following:

- (1) City hall.
- (2) Park or recreational facilities.
- (3) Police, fire, and emergency medical services.

(b) The fiscal body of the city may pledge money in the fund to pay bonds issued, loans obtained, and lease payments or other obligations incurred by or on behalf of the city to provide the facilities and services described in subsection (a).

(c) A pledge under subsection (b) is enforceable under IC 5-1-14-4.

Sec. 10. With respect to obligations for which a pledge has been made under section 9(b) of this chapter, the general assembly covenants with the holders of the obligations that this chapter will not be repealed or amended in a manner that will adversely affect the imposition or collection of the tax imposed under this chapter if the payment of any of the obligations is outstanding.

Sec. 11. A city described in section 1 of this chapter faces unique economic development challenges. Maintaining low



property tax rates is essential to economic development. Using food and beverage tax revenues as provided in this chapter instead of property taxes to support the economic and cultural development initiative described in section 9 of this chapter promotes that purpose.

SECTION 4. IC 6-9-42 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

**Chapter 42. Greendale Innkeeper's Tax**

**Sec. 1. This chapter applies to a city:**

- (1) located in a county having a population of more than forty-six thousand one hundred eight (46,108) but less than forty-six thousand two hundred fifty (46,250); and
- (2) having a population of more than four thousand two hundred (4,200) but less than four thousand three hundred fifty (4,350).

**Sec. 2. The following definitions apply throughout this chapter:**

- (1) "Executive" and "fiscal body" have the meanings set forth in IC 36-1-2.
- (2) "Gross retail income" and "person" have the meanings set forth in by IC 6-2.5-1.

**Sec. 3. (a)** The fiscal body of the city may levy a tax on every person engaged in the business of renting or furnishing, for periods of less than thirty (30) days, any room or rooms, lodgings, or accommodations in any:

- (1) hotel;
- (2) motel;
- (3) boat motel;
- (4) inn;
- (5) college or university memorial union;
- (6) college or university residence hall or dormitory; or
- (7) tourist cabin;

located in the city.

**(b)** The tax does not apply to gross income received in a transaction in which:

- (1) a student rents lodgings in a college or university residence hall while that student participates in a course of study for which the student receives college credit from a college or university located in the city; or
- (2) a person rents a room, lodging, or accommodations for a period of thirty (30) days or more.

**(c)** The tax may not exceed the rate of five percent (5%) on the gross retail income derived from lodging income only and is in addition to the state gross retail tax imposed under IC 6-2.5.

**(d)** A tax imposed under this chapter shall be imposed, paid, and collected in exactly the same manner as the state gross retail tax is imposed, paid, and collected under IC 6-2.5.

**(e)** All of the provisions of IC 6-2.5 relating to rights, duties, liabilities, procedures, penalties, definitions, exemptions, and administration are applicable to the imposition and administration of the tax imposed under this chapter except to the extent those provisions are in conflict or inconsistent with the specific provisions of this chapter. The return to be filed for the payment of the tax under this section may be a separate return or may be combined with

the return filed for the payment of the state gross retail tax as the department of the state revenue may, by rule, determine.

**(f)** The amounts received from the tax imposed under this section shall be paid monthly by the treasurer of state to the fiscal officer of the city upon warrants issued by the auditor of state.

**Sec. 4.** If a tax is levied under section 3 of this chapter, the fiscal officer of the city shall establish an innkeeper's tax receipts fund. The fiscal officer of the city shall deposit in this fund all amounts collected under this chapter.

**Sec. 5. (a)** Except as provided in subsection (b), money in the fund established under section 4 of this chapter shall be used by the municipality for the purchase, financing, construction, leasing, operation, or maintenance of the following:

- (1) City hall.
- (2) Park or recreational facilities.
- (3) Police, fire, and emergency medical services.

**(b)** The fiscal body of the city may pledge money in the fund to pay bonds issued, loans obtained, and lease payments or other obligations incurred by or on behalf of the city to provide the facilities and services described in subsection (a).

**(c)** A pledge under subsection (b) is enforceable under IC 5-1-14-4.

**Sec. 6.** With respect to obligations for which a pledge has been made under section 5(b) of this chapter, the general assembly covenants with the holders of the obligations that this chapter will not be repealed or amended in a manner that will adversely affect the imposition or collection of the tax imposed under this chapter if the payment of any of the obligations is outstanding.

**Sec. 7.** A city described in section 1 of this chapter faces unique economic development challenges. Maintaining low property tax rates is essential to economic development. Using innkeeper's tax revenues as provided in this chapter instead of property taxes to support the economic and cultural development initiative described in section 5 of this chapter promotes that purpose."

Page 4, after line 41, begin a new paragraph and insert:

"SECTION 8. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

(Reference is to HB 1250 as printed January 22, 2008.)

and when so amended that said bill do pass.

Committee Vote: Yeas 12, Nays 0.

MEEKS, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Utilities and Regulatory Affairs, to which was referred Engrossed House Bill 1117, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 3, delete lines 3 through 42, begin a new paragraph and insert:

"SECTION 2. IC 8-1-2-6.1 IS amended TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 6.1. (a) As used in this section, "airborne emissions" means air emissions of greenhouse gases, sulfur, mercury, nitrogen based pollutants, or particulate matter that are:

- (1) emitted from an electric or a steam generating facility;
- (2) associated with the combustion or use of coal or natural gas; and
- (3) regulated, or found by the commission to be reasonably certain to be regulated, by:
  - (A) the federal government;
  - (B) the state;
  - (C) a political subdivision of the state; or
  - (D) any agency of a unit of government described in clauses (A) through (C).

~~(a)~~ (b) As used in this section, "clean coal technology" means a technology (including precombustion treatment of coal):

- (1) that is used at a new or existing electric **or steam** generating facility and directly or indirectly reduces **or avoids** airborne emissions; ~~of sulfur or nitrogen based pollutants associated with the combustion or use of coal;~~ and
- (2) that either:
  - (A) is not in general commercial use at the same or greater scale in new or existing facilities in the United States as of January 1, 1989; or
  - (B) has been selected by the United States Department of Energy for funding under its Innovative Clean Coal Technology program and is finally approved for such funding on or after January 1, 1989.

~~(b)~~ (c) As used in this section, "Indiana coal" means coal from a mine whose coal deposits are located in the ground wholly or partially in Indiana regardless of the location of the mine's tippie.

~~(c)~~ (d) Except as provided in subsection ~~(d)~~; (e), the commission shall allow a utility to recover as operating expenses those expenses associated with:

- (1) research and development designed to increase use of Indiana coal; and
- (2) preconstruction costs (including design and engineering costs) associated with employing clean coal technology at a new or existing coal burning electric **or steam** generating facility if the commission finds that the facility:
  - (A) utilizes and will continue to utilize (as its primary fuel source) Indiana coal; or
  - (B) is justified, because of economic considerations or governmental requirements, in utilizing non-Indiana coal;

after the technology is in place.

~~(d)~~ (e) The commission may only allow a utility to recover preconstruction costs as operating expenses on a particular project if the commission awarded a certificate under IC 8-1-8.7 for that project.

~~(e)~~ (f) The commission shall establish guidelines for determining recoverable expenses.

SECTION 3. IC 8-1-2-6.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 6.6. (a) As used in this section:

"Clean coal technology" means a technology (including precombustion treatment of coal):

- (1) that is used at a new or existing electric **or steam** generating facility and directly or indirectly reduces **or avoids** airborne emissions of sulfur or nitrogen based pollutants associated with combustion or use of coal; **(as defined in section 6.1(a) of this chapter);** and
- (2) that either:
  - (A) is not in general commercial use at the same or greater scale in new or existing facilities in the United States as of January 1, 1989; or
  - (B) has been selected by the United States Department of Energy for funding under its Innovative Clean Coal Technology program and is finally approved for such funding on or after January 1, 1989.

"Indiana coal" means coal from a mine whose coal deposits are located in the ground wholly or partially in Indiana regardless of the location of the mine's tippie.

"Qualified pollution control property" means an air pollution control device on a coal burning electric **or steam** generating facility or any equipment that constitutes clean coal technology that has been approved for use by the commission, that meets applicable state or federal requirements, and that is designed to accommodate the burning of coal from the geological formation known as the Illinois Basin.

"Utility" refers to any electric **or steam** generating utility allowed by law to earn a return on its investment.

(b) Upon the request of a utility that began construction after October 1, 1985, and before March 31, 2002, of qualified pollution control property that is to be used and useful for the public convenience, the commission shall for ratemaking purposes add to the value of that utility's property the value of the qualified pollution control property under construction, but only if at the time of the application and thereafter:

- (1) the facility burns only Indiana coal as its primary fuel source once the air pollution control device is fully operational; or
- (2) the utility can prove to the commission that the utility is justified because of economic considerations or governmental requirements in utilizing some non-Indiana coal.

(c) The commission shall adopt rules under IC 4-22-2 to implement this section.

SECTION 4. IC 8-1-2-6.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 6.7. (a) As used in this section, "clean coal technology" means a technology (including precombustion treatment of coal):

- (1) that is used in a new or existing electric **or stream** generating facility and directly or indirectly reduces **or avoids** airborne emissions ~~of sulfur or nitrogen based pollutants associated with the combustion or use of coal;~~ **(as defined in section 6.1(a) of this chapter);** and
- (2) that either:
  - (A) is not in general commercial use at the same or greater scale in new or existing facilities in the United States as of January 1, 1989; or
  - (B) has been selected by the United States Department of Energy for funding under its Innovative Clean Coal

Technology program and is finally approved for such funding on or after January 1, 1989.

(b) The commission shall allow a public or municipally owned electric utility that incorporates clean coal technology to depreciate that technology over a period of not less than ten (10) years or the useful economic life of the technology, whichever is less and not more than twenty (20) years if it finds that the facility where the clean coal technology is employed:

(1) utilizes and will continue to utilize (as its primary fuel source) Indiana coal; or

(2) is justified, because of economic considerations or governmental requirements, in utilizing non-Indiana coal; after the technology is in place.

SECTION 5. IC 8-1-2-6.8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 6.8. (a) This section applies to a utility that begins construction of qualified pollution control property after March 31, 2002.

(b) As used in this section, "clean coal technology" means a technology (including precombustion treatment of coal):

(1) that is used in a new or existing energy **or steam** generating facility and directly or indirectly reduces **or avoids** airborne emissions of sulfur, mercury, or nitrogen oxides ~~or other regulated air emissions associated with the combustion or use of coal; (as defined in section 6.1(a) of this chapter);~~ and

(2) that either:

(A) was not in general commercial use at the same or greater scale in new or existing facilities in the United States at the time of enactment of the federal Clean Air Act Amendments of 1990 (P.L.101-549); or

(B) has been selected by the United States Department of Energy for funding under its Innovative Clean Coal Technology program and is finally approved for such funding on or after the date of enactment of the federal Clean Air Act Amendments of 1990 (P.L.101-549).

(c) As used in this section, "qualified pollution control property" means an air pollution control device on a coal burning energy **or steam** generating facility or any equipment that constitutes clean coal technology that has been approved for use by the commission and that meets applicable state or federal requirements.

(d) As used in this section, "utility" refers to any energy **or steam** generating utility allowed by law to earn a return on its investment.

(e) Upon the request of a utility that begins construction after March 31, 2002, of qualified pollution control property that is to be used and useful for the public convenience, the commission shall for ratemaking purposes add to the value of that utility's property the value of the qualified pollution control property under construction.

(f) The commission shall adopt rules under IC 4-22-2 to implement this section.

SECTION 6. IC 8-1-2-6.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 6.9. (a) As used in this section, "airborne emissions" has the meaning set forth in section 6.1(a) of this chapter.

(b) As used in this section, "airborne emissions project"

means a project designed to reduce or avoid airborne emissions or improve efficiency from an existing electric generating facility. The term includes offset programs, such as agricultural and forestry activities that reduce the level of greenhouse gases in the atmosphere.

(c) As used in this section, "existing electric generating facility" means a facility that:

(1) is used to generate electricity or steam;

(2) is associated with the combustion or use of coal or natural gas; and

(3) either:

(A) commenced commercial operation; or

(B) was certified by the commission under IC 8-1-8.5-2;

before July 1, 2008.

(d) An energy utility (as defined in IC 8-1-2.5-2) may petition the commission for approval of the construction, installation, and operation of an airborne emissions project. If the commission finds, after notice and hearing, the proposed airborne emissions project to be reasonable and necessary, the commission shall approve the project and provide the following incentives:

(1) The timely recovery of costs associated with the airborne emissions project, including capital, operating, maintenance, depreciation, tax, research and development, and financing costs incurred during the construction and operation of the airborne emissions project.

(2) The recovery of costs associated with:

(A) the purchase of emissions allowances; or

(B) the payment of emissions taxes arising from compliance with air emissions regulations.

(e) In addition to the incentives described in subsection (d), the commission may provide any other financial incentives the commission considers appropriate."

Page 4, delete lines 1 through 15.

Page 5, delete lines 37 through 39, begin a new paragraph and insert:

"SECTION 8. IC 8-1-8.4 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]:

#### **Chapter 8.4. Electric Line Facilities Projects**

**Sec. 1. The general assembly finds that it is in the public interest for the state to encourage:**

(1) investment in electric transmission and distribution infrastructure; and

(2) electricity suppliers' participation in a regional transmission organization;

**to ensure a reliable and economic electricity supply to Indiana consumers.**

**Sec. 2. As used in this chapter, "commission" refers to the Indiana utility regulatory commission created by IC 8-1-1-2.**

**Sec. 3. As used in this chapter, "electric line facilities" means the following:**

(1) Overhead or underground electric transmission lines and related equipment.

(2) Overhead or underground electric distribution lines and related equipment.

(3) Electric substations and related equipment, including transformers, circuit breakers, and protection equipment.

Sec. 4. As used in this chapter, "electric line facilities project" means the construction, operation, maintenance, reconstruction, relocation, addition to, upgrading of, or removal of electric line facilities.

Sec. 5. As used in this chapter, "electricity supplier" means a public utility that furnishes retail electric service to the public.

Sec. 6. As used in this chapter, "public utility" has the meaning set forth in IC 8-1-2-1.

Sec. 7. As used in this chapter, "regional transmission organization" refers to the regional transmission organization approved by the Federal Energy Regulatory Commission for the control area in which an electricity supplier owns electric line facilities.

Sec. 8. The commission shall encourage electric line facilities projects and participation in regional transmission organizations by creating the following financial incentives that the commission finds to be reasonable and necessary:

- (1) The timely recovery, by means of a periodic rate adjustment mechanism, of costs incurred by an electricity supplier taking service under a tariff of, or being assessed costs by, a regional transmission organization.
- (2) The timely recovery, by means of a periodic rate adjustment mechanism, of costs incurred by an electricity supplier for an electric line facilities project.
- (3) Other financial incentives the commission considers appropriate.

Sec. 9. (a) An electricity supplier that seeks to receive one (1) or more financial incentives created under section 8 of this chapter must submit an application to the commission.

(b) Upon receipt of an application under subsection (a), the commission shall review the application for completeness. The commission may request additional information from an applicant as needed.

(c) The commission shall, after notice and hearing, issue a determination of an electricity supplier's eligibility for the financial incentives described in section 8 of this chapter not later than one hundred eighty (180) days after the date of the application.

(d) The commission shall approve an electricity supplier's application under this section if the electricity supplier's electric line facilities project is reasonable and necessary. An electric line facilities project is presumed to be reasonable and necessary if the electric line facilities project is consistent with, or part of, a plan developed by the regional transmission organization.

SECTION 9. IC 8-1-8.7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. As used in this chapter, "clean coal technology" means a technology (including precombustion treatment of coal):

- (1) that is used in a new or existing electric or steam generating facility and directly or indirectly reduces or avoids airborne emissions of sulfur or nitrogen based pollutants associated with the combustion or use of coal;

(as defined in IC 8-1-2-6.1(a)); and

(2) that either:

(A) is not in general commercial use at the same or greater scale in new or existing facilities in the United States as of January 1, 1989; or

(B) has been selected by the United States Department of Energy for funding under its Innovative Clean Coal Technology program and is finally approved for such funding on or after January 1, 1989.

SECTION 10. IC 8-1-8.7-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. (a) Except as provided in subsection (c), a public utility may not use clean coal technology at a new or existing electric generating facility without first applying for and obtaining from the commission a certificate that states that public convenience and necessity will be served by the use of clean coal technology.

(b) The commission shall issue a certificate of public convenience and necessity under subsection (a) if the commission finds that a clean coal technology project offers substantial potential of reducing or avoiding sulfur or nitrogen based pollutants airborne emissions (as defined in IC 8-1-2-6.1(a)) in a more efficient manner than conventional technologies in general use as of January 1, 1989. For purposes of this chapter, a project that the United States Department of Energy has selected for funding under its Innovative Clean Coal Technology program and is finally approved for funding after December 31, 1988, is not considered a conventional technology in general use as of January 1, 1989. When determining whether to grant a certificate under this section, the commission shall examine the following factors:

- (1) The costs for constructing, implementing, and using clean coal technology compared to the costs for conventional emission reduction facilities.
- (2) Whether a clean coal technology project will also extend the useful life of an existing electric generating facility and the value of that extension.
- (3) The potential reduction of sulfur and nitrogen based pollutants airborne emissions (as defined in IC 8-1-2-6.1(a)) achieved by the proposed clean coal technology system.
- (4) The reduction of sulfur nitrogen based pollutants airborne emissions (as defined in IC 8-1-2-6.1(a)) that can be achieved by conventional pollution control equipment.
- (5) Federal sulfur and nitrogen based pollutant emission standards.
- (6) The likelihood of success of the proposed project.
- (7) The cost and feasibility of the retirement of an existing electric generating facility.
- (8) The dispatching priority for the facility utilizing clean coal technology, considering direct fuel costs, revenues and expenses of the utility, and environmental factors associated with byproducts resulting from the utilization of the clean coal technology.
- (9) Any other factors the commission considers relevant, including whether the construction, implementation, and use of clean coal technology is in the public's interest.

(c) A public utility is not required to obtain a certificate under this chapter for a clean coal technology project that constitutes a research and development project that may be expensed under IC 8-1-2-6.1.

SECTION 11. IC 8-1-8.8-3, AS AMENDED BY P.L.175-2007, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. As used in this chapter, "clean coal technology" means a technology (including precombustion treatment of coal):

(1) that is used in a new or existing energy production or generating facility and directly or indirectly reduces or avoids airborne emissions ~~of sulfur, mercury, or nitrogen oxides or other regulated air emissions~~ associated with the ~~combustion or use of coal~~; (as defined in IC 8-1-2-6.1(a)); and

(2) that either:

(A) was not in general commercial use at the same or greater scale in new or existing facilities in the United States at the time of enactment of the federal Clean Air Act Amendments of 1990 (P.L.101-549); or

(B) has been selected by the United States Department of Energy for funding or loan guaranty under an Innovative Clean Coal Technology or loan guaranty program under the Energy Policy Act of 2005, or any successor program, and is finally approved for such funding or loan guaranty on or after the date of enactment of the federal Clean Air Act Amendments of 1990 (P.L.101-549).

SECTION 12. IC 8-1-37 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]:

#### **Chapter 37. Renewable Energy Development**

**Sec. 1.** The general assembly finds that it is in the public interest for the state to promote the development and use of renewable energy resources and advanced energy resources in Indiana in order to:

- (1) diversify the resources used to reliably meet the energy needs of Indiana citizens;
- (2) encourage private investment in renewable energy resources and advanced energy resources in Indiana;
- (3) reduce greenhouse gas and other air emissions; and
- (4) promote other environmentally sound and sustainable practices by electricity suppliers.

**Sec. 2. (a)** As used in this chapter, "advanced energy resources" includes the following sources and programs for the production or conservation of electricity:

(1) Combined heat and power systems that:

(A) use natural gas or renewable energy resources as feedstock; and

(B) achieve at least seventy percent (70%) overall efficiency.

(2) Demand side management or energy efficiency programs that:

(A) reduce electricity consumption; or

(B) implement load management or demand response technologies that shift customers' electric load from periods of higher demand to periods of lower demand.

(3) Waste coal.

(4) Clean coal and energy projects (as defined in IC 8-1-8.8-2).

(5) Other non-carbon dioxide emitting or low carbon dioxide emitting electricity generating technologies, including integrated gasification combined cycle generation with the capability for carbon capture and sequestration through:

(A) storage; or

(B) enhanced oil recovery.

(b) The term includes transmission and distribution system extensions or upgrades necessary to accommodate the use of advanced energy resources.

(c) The term does not include energy from the incineration, burning, or heating of the following:

(1) Tires.

(2) Garbage.

(3) General household, institutional, or commercial waste.

(4) Industrial lunchroom or office waste.

(5) Construction or demolition debris.

(6) Feedstock that is municipal, food, plant, industrial, or animal waste from outside Indiana.

**Sec. 3.** As used in this chapter, "carbon offset" means the act of reducing or avoiding greenhouse gas emissions in one

(1) place through means:

(1) other than the production of electricity; and

(2) not related to the use of electricity;

in order to offset greenhouse gas emissions occurring at another place.

**Sec. 4.** As used in this chapter, "carbon offset equivalents" means the number of carbon offsets necessary to offset one (1) megawatt hour of electricity produced by a traditional coal fired power plant.

**Sec. 5. (a)** As used in this chapter, "electricity supplier" means a public utility (as defined in IC 8-1-2-1) that furnishes retail electric service to the public.

(b) The term does not include a utility that is:

(1) a municipally owned utility (as defined in IC 8-1-2-1(h));

(2) a corporation organized under IC 8-1-13; or

(3) a corporation organized under IC 23-17 that is an electric cooperative and that has at least one (1) member that is a corporation organized under IC 8-1-13.

**Sec. 6.** As used in this chapter, "fund" refers to the advanced and renewable energy resources fund established by section 11 of this chapter.

**Sec. 7.** As used in this chapter, "renewable energy credit", or "REC", means one (1) megawatt hour of electricity that:

(1) is:

(A) generated from a renewable energy resource described in section 8(a) of this chapter; or

(B) conserved through the use of an advanced energy resource described in section 2(a)(2) of this chapter;

(2) is quantifiable; and

(3) is possessed by not more than one (1) entity at a time.

Sec. 8. (a) As used in this chapter, "renewable energy resources" means alternative sources of renewable energy, including the following:

- (1) Wind energy.
- (2) Solar energy.
- (3) Photovoltaic cells and panels.
- (4) Dedicated crops grown for energy production and used as:

(A) the sole fuel; or

(B) part of a co-firing application; in an energy generating facility.

(5) Organic waste biomass, including any of the following organic matter that is available on a renewable basis:

(A) Agricultural crops.

(B) Agricultural wastes and residues.

(C) Wood and wood wastes (other than treated or painted lumber) including the following:

(i) Wood residues.

(ii) Forest thinnings.

(iii) Mill residue wood.

(iv) Waste from construction and demolition.

(D) Animal wastes.

(E) Aquatic plants.

(6) Hydropower from existing dams.

(7) Fuel cells.

(8) Energy from waste to energy facilities that produce steam that is not used for the production of electricity.

(9) Methane systems that convert waste products, including animal, food, and plant waste, into electricity.

(10) Methane recovered from landfills or underground coal mines.

(11) Ocean current or wave energy.

(12) Any other sources that:

(A) are included in any applicable federal renewable resource portfolio standard; or

(B) become available through future developments in renewable energy technologies.

(b) The term includes transmission and distribution system extensions or upgrades necessary to accommodate the use of renewable energy resources.

(c) Except for a renewable energy resource described in subsection (a)(8), the term does not include energy from the incineration, burning, or heating of the following:

(1) Tires.

(2) Garbage.

(3) General household, institutional, or commercial waste.

(4) Industrial lunchroom or office waste.

(5) Feedstock that is municipal, food, plant, industrial, or animal waste from outside Indiana.

Sec. 9. (a) Subject to subsection (b), each electricity supplier shall supply electricity that is generated from, or otherwise qualifies as, a renewable energy resource or an advanced energy resource to Indiana retail customers as a percentage of the total electricity supplied by the electricity supplier to Indiana retail customers during a calendar year as follows:

(1) Not later than the calendar year ending December 31, 2012, at least two percent (2%) of the electricity supplier's Indiana retail sales for the calendar year ending December 31, 2011.

(2) Not later than the calendar year ending December 31, 2016, at least four percent (4%) of the electricity supplier's Indiana retail sales for the calendar year ending December 31, 2011.

(3) Not later than the calendar year ending December 31, 2020, and for all years thereafter, at least six percent (6%) of the electricity supplier's Indiana retail sales for the immediately preceding calendar year.

For purposes of this subsection, electricity is measured in megawatt hours.

(b) An electricity supplier may not use an advanced energy resource to supply more than fifty percent (50%) of the electricity that the electricity supplier is required to supply under subsection (a).

(c) An electricity supplier may own or purchase RECs or carbon offset equivalents to comply with subsection (a).

(d) If an electricity supplier exceeds the applicable percentage under subsection (a) in a compliance year, the electricity supplier may carry forward the amount of electricity that:

(1) exceeds the applicable percentage under subsection (a); and

(2) is generated from, or otherwise qualifies as, a renewable energy resource or an advanced energy resource;

to comply with the requirement under subsection (a) for either or both of the two (2) immediately succeeding compliance years.

(e) An electricity supplier that fails to comply with subsection (a) shall deposit in the fund an amount equal to:

(1) the number of megawatt hours of electricity that the electricity supplier was required to but failed to supply under subsection (a); multiplied by

(2) twenty dollars (\$20).

(f) An electricity supplier is not required to comply with subsection (a) if the commission determines that the electricity supplier has demonstrated that:

(1) advanced energy resources, renewable energy resources, RECs, or carbon offset equivalents are not available to the electricity supplier in sufficient quantities to allow the electricity supplier to comply with subsection (a); or

(2) the cost of compliance with subsection (a) using the advanced energy resources, renewable energy resources, RECs, or carbon offset equivalents available to the electricity supplier would result in an unreasonable increase in the basic rates and charges for electricity supplied to retail customers of the electricity supplier.

The commission shall conduct a public hearing to make a determination under this subsection.

(g) The commission shall allow an electricity supplier to recover, through a periodic rate adjustment mechanism, reasonable and necessary costs incurred in:

- (1) constructing, operating, or maintaining facilities to comply with this chapter;
- (2) generating electricity from, or purchasing electricity generated from, an advanced energy resource or renewable energy resource;
- (3) purchasing RECs or carbon offset equivalents; or
- (4) complying with any applicable federal renewable resource portfolio requirements.

Sec. 10. (a) The commission shall encourage electricity suppliers to meet or exceed the requirements set forth in section 9(a) of this chapter by:

- (1) providing additional financial incentives for electricity suppliers to use advanced energy resources and renewable energy resources in their resource portfolios; and
- (2) authorizing electricity suppliers to use alternative regulatory plans under IC 8-1-2.5.

(b) The financial incentives authorized by subsection (a) may include one (1) or more of the following:

- (1) Enhanced returns on equity.
- (2) Capitalization of and returns for program expenses.
- (3) Incentives based on the sharing of achieved program savings.
- (4) Incentives based on avoided costs resulting from achieved program results.

(c) The commission shall also encourage the research, development, and implementation of additional environmentally sound and sustainable projects and practices by electricity suppliers, including projects and practices that exceed applicable federal and state environmental requirements, by means of:

- (1) timely cost recovery through periodic rate adjustment mechanisms;
- (2) the authorization to use alternative regulatory plans under IC 8-1-2.5; and
- (3) other financial incentives the commission considers appropriate;

if the commission determines that the projects or practices proposed by an electricity supplier are reasonable.

Sec. 11. (a) The advanced and renewable energy resources fund is established to:

- (1) support the development, construction, and use of advanced energy resources and renewable energy resources, including small scale advanced energy resources and renewable energy resources, in rural and urban Indiana; and
- (2) reimburse the Indiana economic development corporation and the commission for expenses incurred under section 12 of this chapter.

(b) The fund consists of the following:

- (1) Money deposited under section 9(e) of this chapter.
- (2) Money from any other source that is deposited in the fund.

(c) The Indiana economic development corporation shall administer the fund.

(d) The expenses of administering the fund shall be paid from money in the fund.

(e) The treasurer of state shall invest the money in the

fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund.

(f) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

Sec. 12. (a) This section applies if there is sufficient money in the fund to reimburse the Indiana economic development corporation and the commission for expenses incurred under subsection (b).

(b) The Indiana economic development corporation, in consultation with the commission, shall develop a strategy to attract renewable energy manufacturing facilities, including wind turbine component manufacturers, to Indiana.

Sec. 13. Beginning in 2013, not later than April 30 of each year, an electricity supplier shall file with the commission a report of the electricity supplier's compliance with this chapter for the preceding calendar year, along with the estimated impact on the electricity supplier's revenues from residential, commercial, and industrial customers as a result of the electricity supplier's compliance with this chapter.

Sec. 14. The commission shall adopt rules under IC 4-22-2 to implement this chapter."

Renumber all SECTIONS consecutively.

(Reference is to HB 1117 as reprinted January 29, 2008.) and when so amended that said bill do pass.

Committee Vote: Yeas 6, Nays 5.

HERSHMAN, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Engrossed House Bill 1122, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 19, delete ":" and insert "**charged as a felony**";

Page 2, delete lines 20 through 25.

Page 2, line 26, delete ":" and insert "**charged as a felony**";

Page 2, delete lines 27 through 32.

(Reference is to HB 1122 as reprinted January 25, 2008.) and when so amended that said bill do pass.

Committee Vote: Yeas 6, Nays 0.

BRAY, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Engrossed House Bill 1016, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 6, Nays 0.

BRAY, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and

Labor, to which was referred Engrossed House Bill 1219, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.

Delete page 2.

Page 3, delete lines 1 through 3.

Page 5, line 19, delete "IC 21-22-2-1;" and insert **"IC 21-25-2-1;"**.

Page 5, line 25, delete "IC 21-25-2-1;" and insert **"IC 21-22-2-1;"**.

Page 5, delete lines 36 through 38.

Renumber all SECTIONS consecutively.

(Reference is to HB 1219 as printed January 25, 2008.)

and when so amended that said bill do pass and be reassigned to the Senate Committee on Appropriations.

Committee Vote: Yeas 4, Nays 3.

KRUSE, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Local Government and Elections, to which was referred Engrossed House Bill 1162, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

LAWSON, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Local Government and Elections, to which was referred Engrossed House Bill 1145, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

LAWSON, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Local Government and Elections, to which was referred Engrossed House Bill 1275, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

LAWSON, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Engrossed House Bill 1259, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 16, after "10." insert **"Above Ground"**.

Page 1, line 16, after "Pools" insert **"at Class 2 Structures"**.

Page 1, line 17, delete "(a) This section applies to a new swimming pool that:" and insert **"This chapter applies only to an above ground swimming pool that is:**

**(1) installed on property that:**

**(A) contains a Class 2 structure; and**

**(B) does not contain a Class 1 structure; and**

**(2) sold in Indiana after June 30, 2008.**

**Sec. 2. As used in this chapter, "above ground swimming pool" means any swimming pool whose sides rest fully above the surrounding earth.**

**Sec. 3. As used in this chapter, "swimming pool" has the meaning set forth in 675 IAC 20-1.1-18.**

**Sec. 4. The owner of an above ground swimming pool that has walls that are at least forty-eight (48) inches high shall ensure that the above ground swimming pool has an access ladder or steps that may be:**

**(1) removed; or**

**(2) secured and locked;**

**when the above ground swimming pool is not in use."**

Page 2, delete lines 1 through 11.

(Reference is to HB 1259 as printed January 25, 2008.)

and when so amended that said bill do pass.

Committee Vote: Yeas 6, Nays 0.

BRAY, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred Engrossed House Bill 1036, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete page 1.

Page 2, delete lines 1 through 17.

Page 2, line 32, delete "motorist" and insert **"motorists"**.

Page 3, delete lines 25 through 42.

Delete pages 4 through 5.

Renumber all SECTIONS consecutively.

(Reference is to HB 1036 as reprinted January 30, 2008.)

and when so amended that said bill do pass.

Committee Vote: Yeas 6, Nays 0.

WYSS, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Engrossed House Bill 1234, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 6, Nays 0.

LUBBERS, Chair

Report adopted.



## COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Engrossed House Bill 1193, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 6, Nays 0.

LUBBERS, Chair

Report adopted.

## COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred Engrossed House Bill 1253, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

WYSS, Chair

Report adopted.

## COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred Engrossed House Bill 1243, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

WYSS, Chair

Report adopted.

## COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred Engrossed House Bill 1203, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

WYSS, Chair

Report adopted.

## COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred Engrossed House Bill 1202, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

WYSS, Chair

Report adopted.

## COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred Engrossed House Bill 1067, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 6, Nays 0.

WYSS, Chair

Report adopted.

## COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred Engrossed House Bill 1213, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

KRUSE, Chair

Report adopted.

## COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred Engrossed House Bill 1156, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

KRUSE, Chair

Report adopted.

## COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred Engrossed House Bill 1105, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

KRUSE, Chair

Report adopted.

## COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Engrossed House Bill 1164, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Replace the effective dates in SECTIONS 1 through 3 with "[EFFECTIVE JANUARY 1, 2009]".

Page 2, line 25, delete "2008" and insert "**2009**".

Page 2, line 29, delete "one hundred" and insert "**fifty**".

Page 2, line 30, delete "(100%)" and insert "**(50%)**".

Page 5, line 11, delete "2010." and insert "**2011.**".

Page 5, line 12, delete "2010." and insert "**2011.**".

Page 5, line 15, delete "2008." and insert "**2009.**".

Page 5, delete line 16.

Renumber all SECTIONS consecutively.

(Reference is to HB 1164 as reprinted January 29, 2008.) and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 2.

KENLEY, Chair

Report adopted.

## COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred Engrossed House Bill 1065, has

had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 5, line 15, delete "IC 5-10.3-2-1." and insert **"IC 5-10.3-2-1 and the Indiana state teachers' retirement fund established by IC 5-10.4-2-1."**

Page 5, line 16, after "IC 5-10.2" insert ",".

Page 5, line 16, delete "or".

Page 5, line 17, after "IC 5-10.3," insert **"or IC 5-10.4,"**.

(Reference is to HB 1065 as reprinted January 29, 2008.)

and when so amended that said bill do pass.

Committee Vote: Yeas 6, Nays 0.

KRUSE, Chair

Report adopted.

## RESOLUTIONS ON FIRST READING

### Senate Resolution 6

Senate Resolution 6, introduced by Senator Paul:

A SENATE RESOLUTION memorializing Joe Nuxhall, a longtime player and broadcaster for the Cincinnati Reds.

*Whereas, Due to the shortage of baseball players during World War II, Joe Nuxhall began his major league career when he was recruited to pitch for the Cincinnati Reds at the age of 15;*

*Whereas, Known as "The Ol' Lefthander," Joe went on to become a National League All Star, leading the league in shutouts in 1955 and holding the team record for games pitched from 1965 to 1975;*

*Whereas, In remembering the early days, Joe said, "I was pitching against seventh-, eighth- and ninth-graders, kids 13 and 14 years old . . . All of a sudden, I look up and there's Stan Musial and the likes. It was a very scary situation.";*

*Whereas, Joe retired from playing baseball in 1967 and immediately embarked on a new career as a major league broadcaster. During this career, he called over 6000 games. His radio sign off, "This is the old lefthander, rounding third and heading for home," is on display along with a statue of Joe outside the Great American Ball Park; and*

*Whereas, The baseball community experienced a great loss when Joe Nuxhall died in 2007 at the age of 70: Therefore,*

*Be it resolved by the Senate of the General Assembly of the State of Indiana:*

SECTION 1. That the Indiana State Senate honors the life of Joe Nuxhall.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to the family of Joe Nuxhall and the Cincinnati Reds.

The resolution was read in full and adopted by standing vote.

### Senate Concurrent Resolution 47

Senate Concurrent Resolution 47, introduced by Senators Becker and Deig:

A CONCURRENT RESOLUTION recognizing Nelson D. Bailes on his retirement after forty-six years in the airline business.

*Whereas, A native of West Virginia, Nelson D. Bailes started his career with Lake Central Airlines while he was still a student at West Virginia University in April 1962;*

*Whereas, Due to numerous promotions and airline mergers, Mr. Bailes resided in several different states throughout his career. In 1979, he took a supervisory position at the Evansville Airport, where he stayed until his retirement from USAirways when the airline ended service in Evansville in 1995;*

*Whereas, After retiring, Mr. Bailes spent two years establishing the Chautauqua Airlines regional airline service in Evansville. Then, in 1998, he accepted the position of Marketing Director for the Evansville Regional Airport and has served in this position for ten years;*

*Whereas, Mr. Bailes has been active in the Evansville community, including volunteering as a Deputy for the Vanderburgh County Sheriff's Department, serving as Chairperson for the United Way, being active in the Evansville Rotary Club. Most recently, he has volunteered as President of the Board of Directors of the McCutchanville Fire Department and to give tours on the LST Naval Ship;*

*Whereas, In addition, Mr. Bailes served as a member of the National Guard and was a member of the Civil Air Patrol with duties of flying Indiana State Police in the Indiana Drug Eradication Program; and*

*Whereas, Mr. Bailes has decided that it is time to retire after a fulfilling forty-six year career in the airline industry. In his retirement, he plans to spend time with his wife of forty-six years, Laura, and his children and their families: Therefore,*

*Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly recognizes Nelson D. Bailes on his retirement after forty-six years in the airline business.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Nelson D. Bailes and his family.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Avery, Hoy, Crouch, and Van Haaften.

**Senate Concurrent Resolution 30**

Senate Concurrent Resolution 30, introduced by Senator Lewis:

A CONCURRENT RESOLUTION recognizing the achievements of the Southwestern Band program in its history of repeated excellence in all areas of the program.

*Whereas, The Southwestern Band Program, which includes marching, concert, and pep band, Solo and Ensemble, and winter guard, under the direction of Ruth E. Nickels, prides itself on being a small band that plays from the heart, works hard, and achieves amazing things and is well-known throughout the Midwest as a "small, but mighty" group of young students;*

*Whereas, The marching band placed tenth in Class D in the 1998 Indiana State School Music Association's state finals and placed second in 2000 and in 2007, the 34-member band had an undefeated season and won the Preliminary and Finals Championship in Class A;*

*Whereas, In 2005, the band made its first appearance in the Midstates marching circuit and finished as Class A Champions and in 2006, the band won the preliminary Class A Championship and finished third overall;*

*Whereas, The concert band has constantly won gold divisions at the ISSMA concert band contests, has won the High School Concert band Division at Music Showcase Festivals at Kings Island in Ohio for the past three years, and won the outstanding high school instrumental group at Music Showcase Festivals as well as the overall sweepstakes award for the top scoring ensemble overall over any weekend in 2007;*

*Whereas, The pep band has cheered on the Southwestern Rebels at numerous athletic events including the 1998 boys' runner-up basketball team, the 2002 girl's state champion basketball team, and the 2003 girl's runner-up in Class AA basketball team; and*

*Whereas, Many students have competed in the ISSMA District and State Solo and Ensemble competition each year and, the 2001 winter guard placed second and was silver medalist in the Indiana High School Color Guard Association State Finals: Therefore,*

*Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:*

SECTION 1. The Indiana General Assembly hereby recognizes the achievements of the Southwestern Band program in its history of repeated excellence in all areas of the program.

SECTION 2. The Secretary of the Senate is directed to transmit a copy of this resolution to Jeff Bates, Southwestern High School principal and band director, Ruth Nickels.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage

of the resolution. House sponsor: Representative Cheatham.

**Senate Concurrent Resolution 21**

Senate Concurrent Resolution 21, introduced by Senator Delph:

A CONCURRENT RESOLUTION congratulating the Carmel High School Football Team on winning the Class 5A State Championship Title.

*Whereas, The Carmel High School Football Team defeated top-ranked Pike High School, 16-7, to win the 2007 Class 5A State Championship Title;*

*Whereas, After falling behind in the first quarter, Carmel responded with a 15 play, 67 yard touchdown drive and a last second field goal to take the lead at halftime to 10-7;*

*Whereas, Carmel's defense dominated Pike throughout the game, holding the Red Devils to only 53 yards rushing on 25 attempts;*

*Whereas, In the second half, Carmel's Cory Kemps kicked two more field goals to secure a Greyhound victory and set an overall state finals record for most field goals in a game;*

*Whereas, With this title win, Coach Mo Moriarty joined a short list of coaches to win championships while coaching at two different schools: Therefore,*

*Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly congratulates the Carmel High School Football Team and Coach Moriarty on winning the 2007 Class 5A Championship Title.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Superintendent of Carmel Clay Schools, Dr. Barbara Underwood; Carmel High School Principal, John Williams; and Head Coach, Mo Moriarty.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsor: Representative Torr.

**Senate Concurrent Resolution 45**

Senate Concurrent Resolution 45, introduced by Senator Errington:

A CONCURRENT RESOLUTION recognizing the Indiana Writing Projects' contribution to the education of Indiana students.

*Whereas, The Indiana Writing Project, the first National Writing Project site in Indiana, founded in 1986 at Ball State University, is committed to promoting the best possible writing instruction in Indiana's elementary, secondary, and post-secondary schools;*

*Whereas, The National Writing Project-Indiana Network now comprises five sites, located at Ball State University, IUPUI, IUS-New Albany, Purdue-Calumet, and IPFW-Ft. Wayne, with a teacher network of 915 Writing Project trained teacher-consultants in 59 Indiana counties throughout the state;*

*Whereas, The Indiana Writing Projects work with close to 2,000 teachers annually;*

*Whereas, The Indiana Writing Projects share the 50-state National Writing Project program model, adhering to a set of shared principles and research-based practices for teachers' professional development, and offering programs that are common across the network;*

*Whereas, In addition to developing a leadership cadre of local teachers called "teacher-consultants" through invitational summer institutes, Indiana Writing Project sites design and deliver customized inservice programs for local schools, districts, and higher education institutions, and they provide a diverse array of continuing education and research opportunities for teachers at all levels;*

*Whereas, National research studies have confirmed significant gains in writing performance among students of teachers who have participated in National Writing Project programs;*

*Whereas, pre-post studies of student writing in Indiana writing project teachers' classrooms during the year following their participation in Summer Institute show statistically significant gains, comparison studies between writing project and non-writing project classrooms show significantly higher ISTEP+ pass rates (for Writing Application and Language Conventions) for students in writing project classrooms, and multiple-year studies of schools working with Writing Project consultants demonstrate significant gains in ISTEP+ language arts scores, sufficient in one case to earn the school Blue Ribbon status;*

*Whereas, The five Indiana Writing Project sites are recognized through annual review by the National Writing Project, bringing over a quarter million federal dollars into Indiana each year, including NWP's prestigious Local Site Research Initiative awards: Therefore,*

*Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly recognizes and commends the Indiana Network of Writing Projects for promoting better writing that leads to a most desirable chain of events for Hoosier students—better learning and thinking, better reading, better academic success, and better performance in the 21<sup>st</sup> Century workplace.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to the Site Directors of each site: Linda Hanson, Indiana Writing Project, Muncie; Karol Dehr

and Glenda Moss, Appleseed Writing Project, Ft. Wayne; Steven Fox, Indiana Teachers of Writing Project, Indianapolis; Kevin Sue Bailey, IUS Writing Project, New Albany; and Carolyn Boiarsky, Northwest Indiana Writing Project, Calumet.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsor: Representative Tyler.

#### **Senate Concurrent Resolution 46**

Senate Concurrent Resolution 46, introduced by Senator Bray:

A CONCURRENT RESOLUTION memorializing Army Staff Sgt. William Ryan Fritsche.

*Whereas, Army Staff Sgt. William Ryan Fritsche was killed on July 27, 2007 when his unit came under fire from enemy combatants in Afghanistan;*

*Whereas, Those who knew Staff Sgt. Fritsche described him as a quiet, focused, and determined boy who would have succeeded at anything he tried. He enjoyed playing basketball and golf, riding 4-wheelers, listening to country music, and being outdoors;*

*Whereas, After graduating from Martinsville High School in 2002, Staff Sgt. Fritsche began serving in the United States Army and was promoted to Sergeant in April, 2005. He was chosen to serve in the Old Guard at Arlington National Cemetery and marched in President Bush's inaugural procession in Washington, D.C., in 2005; and*

*Whereas, In Afghanistan, Staff Sgt. Fritsche served with the 1<sup>st</sup> Squadron, 91<sup>st</sup> Cavalry Regiment, 173<sup>rd</sup> Airborne Brigade Combat Team. During his military career, he was awarded the Bronze Star, Purple Heart, a NATO citation, an Afghanistan Campaign Ribbon and the Combat Infantry Badge; and*

*Whereas, Staff Sgt. Ryan Fritsche will be remembered as a hero who gave his life to protect this great nation: Therefore,*

*Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:*

SECTION 1. That the General Assembly expresses its condolences on the death of Staff Sgt. William Ryan Fritsche and extends to his family sincere appreciation for his sacrifice defending freedom for all people.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Staff Sgt. Fritsche's widow, Brandi Fritsche; his mother, Morgan County Sheriff's Department Detective Sergeant Volitta Fritsche; and his grandfather, J.W. Miller.

The resolution was read in full and adopted by standing vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsor: Representative Foley.

**Senate Concurrent Resolution 17**

Senate Concurrent Resolution 17, introduced by Senator Arnold:

A CONCURRENT RESOLUTION honoring Michael Fout from LaPorte High School as the 2007 winner of the Foot Locker National High School Boys Cross Country Championship for his hard work and accomplishments.

*Whereas, Michael Fout won the Foot Locker National High School Boys Cross Country Championship and was the first Indiana resident to win this national championship;*

*Whereas, Mr. Fout ran 5,000 meters (3.1 miles) in 14 minutes, 50 seconds, a full seven seconds in front of the second place runner;*

*Whereas, Mr. Fout is a two-time Indiana Cross Country State Champion and a champion of numerous other invitationals and conferences including Indiana Association of Track and Cross Country Coaches Runner of the Year, First Team All State;*

*Whereas, Mr. Fout has been his cross country team's captain for three years and has been awarded the team's Most Valuable Player for two years;*

*Whereas, Mr. Fout excels at academics and received an ACT score which could earn him academic all state honors;*

*Whereas, Mr. Fout has been awarded a full athletic scholarship to attend Florida State University: Therefore,*

*Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:*

SECTION 1. The Indiana General Assembly hereby recognizes Michael Fout's achievements and honors him for his hard work and accomplishments.

SECTION 2. The Secretary of the Senate is directed to transmit a copy of this resolution to Mr. Mike Fout; Tim Beres, Cross Country and Track Coach; and LaPorte High School.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsor: Representative Dermody.

**House Concurrent Resolution 20**

House Concurrent Resolution 20, sponsored by Senator Steele:

A CONCURRENT RESOLUTION honoring Anah Hewetson.

*Whereas, Bedford-North Lawrence senior Anah Hewetson was named Lawrence County's first Indiana Junior Miss;*

*Whereas, Eighteen year old Anah Hewetson took first place over 22 other contestants in the preliminary to America's Junior Miss;*

*Whereas, As Indiana's Junior Miss, Anah Hewetson will compete in the America's Junior Miss pageant in Mobile, Alabama;*

*Whereas, As the winner of the Indiana's Junior Miss title, Anah Hewetson received \$3,750 in scholarships and awards for academics and self-expression;*

*Whereas, After graduation, Anah Hewetson aspires to be an attorney or history professor and judge; and*

*Whereas, Anah Hewetson is an outstanding representative for the Hoosier state, and her accomplishments deserve special recognition: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:*

SECTION 1. That the Indiana General Assembly congratulates Anah Hewetson on being named Indiana's Junior Miss.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Anah Hewetson and her family.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

**Senate Concurrent Resolution 44**

Senate Concurrent Resolution 44, introduced by Senator Lawson:

A CONCURRENT RESOLUTION to recognize Lieutenant General Carol Mutter for being the first woman in the Marine Corps to achieve the rank of Lieutenant General.

*Whereas, Lt. General Carol Mutter graduated from the University of Northern Colorado with a B.A. degree in mathematics education in 1967 and was immediately commissioned a Second Lieutenant in the Marine Corps. Throughout her military career, Lt. General Mutter continued her education earning an M.A. degree in National Security and Strategic Studies from the Naval War College, an M.S. degree from Salve Regina University and attending the Amphibious Warfare School and the Marine Corps Command and Staff College. In addition, Lt. Gen. Mutter has received an honorary doctorate from both the University of Northern Colorado and Salve Regina University;*

*Whereas, After completing the Woman Officer Basic Course at Marine Corps Base Quantico, VA, in 1967, Lt. General Mutter was assigned to data processing installations. In 1971, she returned to Quantico as a platoon commander and instructor for women officer candidates and basic course lieutenants. At the end of this duty she had reached the rank of Captain;*

*Whereas, From 1973 through 1984, Lt. General Mutter progressed to the rank of Lieutenant Colonel while serving in various capacities, including: Project Officer, Financial Management Officer, Assistant Chief of Staff, Comptroller, and Deputy Comptroller. Then, utilizing her experience in data processing and financial management, in 1985 Lt. General Mutter was assigned as the Deputy Program Manager, and later Program Manager, for the development of an automated pay and personnel system for active, retired, and reserve Marines;*

*Whereas, In 1988, Lt. General Mutter joined the U.S. Space Command, J-3 (operations) Directorate where she became the first woman to be qualified as a Space Director. While in the Space Command, Lt. General Mutter progressed to become Division Chief responsible for the operation of the Space Command Commander in Chief's Command Center;*

*Whereas, In August 1990, Lt. General Mutter was assigned to duty in Okinawa, Japan, but returned to Quantico as a Brigadier General in June 1991. Then, in June 1992, Lt. General Mutter transferred back to Okinawa, this time as the first woman of general/flag officer rank to command a major deployable tactical command. She became the first woman Marine Major General in June 1994 and became the first woman to advance to the rank of Lieutenant General in the Marine Corps on September 1, 1996;*

*Whereas, Lt. General Mutter served for over 31 years before retiring from the U.S. Marine Corps in January 1999, when she relocated to Indiana. Throughout her career, Lt. General Mutter received many medals and decorations, including the Distinguished Service Medal, the Defense Superior Service Medal, Navy and Marine Corps Commendation Medal, Navy Achievement Medal, Meritorious Unit Commendation with bronze star, National Defense Service Medal with bronze star, and the Sea Service Deployment Ribbon with four bronze stars. In addition, Lt. General Mutter was the first woman nominated by the President of the United States for a three-star rank;*

*Whereas, In addition to her military accolades, Lt. General Mutter has also received numerous non-military awards recognizing her achievements, including the Secretary of Defense Award for Outstanding Public Service, the American Leadership Award from the State of Colorado, the 1992 Trail Blazer Award from UNC, the Living Legacy Patriot Award from the Women's International Center and the Margaret Cochran Corbin Award from the Daughters of the American Revolution. Lt. General Mutter was also inducted into the Colorado Women's Hall of Fame; and*

*Whereas, Since retiring from the military, Lt. General Mutter continues to be involved in her community. She has built a business working as a consultant assisting companies in acquiring government contracts and serves as a member of the Indiana Commission on Military and Veterans Affairs. In addition, Lt. General Mutter was appointed by the President of the United States to serve as a Commissioner on the American*

*Battle Monuments Commission: Therefore,*

*Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly commends Lieutenant General Carol Mutter on her numerous accomplishments throughout her career in the Marine Corps.

SECTION 2. Lieutenant General Mutter's dedication and achievement have helped to open many doors to women serving in the military.

SECTION 3. The Secretary of the Senate is hereby directed to send a copy of this Resolution to Lieutenant General Carol Mutter.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Steuerwald and Reske.

### **Senate Resolution 9**

Senate Resolution 9, introduced by Senator Weatherwax:

A SENATE RESOLUTION to honor Charles Burks for receiving the Spirit of Justice Award from the Indiana Civil Rights Commission.

*Whereas, At the height of the Civil Rights movement in 1960, Charles Burks was one of the U.S. Marshals who escorted Ruby Bridges, the first black child to attend William Frantz Elementary School, into the previously segregated elementary school in New Orleans;*

*Whereas, Mr. Burks showed great courage in the face of racism and went on to participate in the integrations of the University of Mississippi and universities in Alabama and Georgia;*

*Whereas, Mr. Burks was presented with the Spirit of Justice Award from the Indiana Civil Rights Commission (ICRC) at the Indiana State Museum. The Spirit of Justice Award, the ICRC's highest honor, is given to people who have been inspired to act by Dr. Martin Luther King Jr.'s dream to promote equality; and*

*Whereas, Charles Burks' wife of sixty-two years, Betty, and his grandson, Rick, made the trip to be with him as he accepted this award. When asked about his grandfather's accomplishment, Rick noted, "Throughout the years I learned more and more about what he had done. At family gatherings I would always hear about what was going on. It's pretty amazing to see a party of history. He led an incredible life.": Therefore,*

*Be it resolved by the Senate of the General Assembly of the State of Indiana:*

SECTION 1. That the Indiana General Assembly congratulates Charles Burks for receiving the Spirit of Justice Award from the Indiana Civil Rights Commission.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Charles Burks and his family.

The resolution was read in full and adopted by voice vote.

#### House Concurrent Resolution 22

House Concurrent Resolution 22, sponsored by Senators Steele and Lewis:

A CONCURRENT RESOLUTION congratulating Don Shoemaker.

*Whereas, Don Shoemaker, Jackson County, won the Young Farmer and Rancher Discussion Meet at the American Farm Bureau Federation's annual conference;*

*Whereas, Don Shoemaker competed in four rounds against participants from all over the United States;*

*Whereas, During the discussion meet, Don Shoemaker discussed issues such as water rights and the public's perception of farmers, simulating a committee meeting in which active discussion and participation are anticipated;*

*Whereas, Don Shoemaker earned a chance to compete at the national level by winning the state competition;*

*Whereas, Don Shoemaker is a full-time farmer near Vallonia where he raises cattle and grows corn, soybeans, and wheat; and*

*Whereas, It is fitting that further recognition be given this outstanding Hoosier farmer: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:*

SECTION 1. That the Indiana General Assembly congratulates Don Shoemaker on winning the Young Farmer and Rancher Discussion Meet and commends him on his success as an outstanding Hoosier farmer.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Don Shoemaker and his family.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

#### House Concurrent Resolution 21

House Concurrent Resolution 21, sponsored by Senator Bray:

A CONCURRENT RESOLUTION honoring the Martinsville High School girls golf team on winning the 2007 Indiana High School Athletic Association (IHSAA) Girls Golf Championship.

*Whereas, The Martinsville High School girls golf team won the 2007 IHSAA Girls Golf Championship at the Legends Golf Course in Franklin;*

*Whereas, The Lady Artesians won the championship with a two-day total of 623, 19 strokes better than second place Hamilton Southeastern, and tied for second on the all-time scoring list;*

*Whereas, This win for Martinsville was a record-setting 10th girls golf state title for the school, all of which have come under head coach Sharon Most;*

*Whereas, The Lady Artesians began second round play in third place, only five shots behind first-day leader Columbus North;*

*Whereas, The Martinsville team shot 305 on the second day of the championship, the second lowest 18-hole score ever shot during the state meet;*

*Whereas, Each member of the girls golf team is an integral part of the team, whose victory included outstanding efforts from senior Chelsea Silvers who shot 80-72-152, junior Carleigh Silvers who fired a 77-75-152, sophomore Kelsey Benson who shot 80-78-158, and seniors Molly Burpo and Emily Habel who shot 81-82-163 and 86-80-166, respectively;*

*Whereas, The scores of sisters Chelsea and Carleigh Silvers were good enough to earn them a tie for 12th on the leader board;*

*Whereas, It was the team's consistent play, a hallmark throughout the season, that ensured their victory; and*

*Whereas, Excellence in athletics, just like excellence in academics, requires an enormous amount of dedication and hard work; this hard work and dedication help to mold the youth of today into the leaders of tomorrow: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:*

SECTION 1. That the Indiana General Assembly congratulates the Martinsville High School Lady Artesians on their tenth IHSAA Girls Golf Championship title.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to team members Kelsey Benson, Chelsea Silvers, Molly Burpo, Emily Habel, Carleigh Silvers, and Ellie Rutledge; coach Sharon Most, athletic director Don Lipps, and principal Don Alkire.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

#### Senate Concurrent Resolution 48

Senate Concurrent Resolution 48, introduced by Senators Zakas and Broden:

A CONCURRENT RESOLUTION congratulating Gabriella Agostino on winning the Indiana State One-Meter Diving Event.

*Whereas, Gabriella Agostino, a senior diver on the South Bend St. Joseph's High School Swimming Team, placed second in the regional competition which qualified her to compete at the state competition;*

*Whereas, After the preliminary round of the state competition, Gabriella found herself in third place, but her practice and perseverance paid off when she performed well on her last six dives to win the state title;*

*Whereas, Gabriella became just the second diver in St. Joseph's history to win the state diving competition; and*

*Whereas, The citizens of Indiana take pride in the athletic competition and achievement of our youth. We commend Gabriella Agostino on her hard work and dedication to the sport of diving: Therefore,*

*Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly congratulates Gabriella Agostino on winning the state title in the one-meter diving event at the state championship.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to St. Joseph's High School Principal, Susan Richter, Head Coach Bonnie Schrems, and Gabriella Agostino.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Bauer, Niezgodski, and Dvorak.

#### MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolution 32 and the same is herewith returned to the Senate.

CLINTON MCKAY  
Principal Clerk of the House

#### MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 22 and the same is herewith transmitted for further action.

CLINTON MCKAY  
Principal Clerk of the House

#### MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolutions 20 and 21 and the same are herewith transmitted for further action.

CLINTON MCKAY  
Principal Clerk of the House

#### MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed, without amendments, Engrossed Senate Bill 156 and the same is herewith returned to the Senate.

CLINTON MCKAY  
Principal Clerk of the House

#### MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed Senate Bills 51, 72, and 164 with amendments and the same are herewith returned to the Senate for concurrence.

CLINTON MCKAY  
Principal Clerk of the House

#### MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed Senate Bills 176 and 104 with amendments and the same are herewith returned to the Senate for concurrence.

CLINTON MCKAY  
Principal Clerk of the House

#### MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed, without amendments, Engrossed Senate Bills 33, 210, 88, 45, and 41 and the same are herewith returned to the Senate.

CLINTON MCKAY  
Principal Clerk of the House

#### MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolution 26 and the same is herewith returned to the Senate.

CLINTON MCKAY  
Principal Clerk of the House

### ACTION ON GUBERNATORIAL VETOES

#### VETO MESSAGE FROM THE GOVERNOR

Dear Mr. Speaker and Members of the House: By the authority vested in me as Governor of Indiana, under the provisions of Article 5, Section 14, of the Constitution of the State of Indiana, I do hereby veto House Enrolled Act 1388, enacted during the first regular session of the 115th General Assembly and related to tax incentives for qualified media productions.

Providing targeted tax and other financial incentives to encourage film and other media productions in Indiana is reasonable economic development and fiscal policy. In 2005 and 2006, I signed legislation which designated film production as a qualified activity for purposes of the Hoosier Business Investment Tax Credit and provided a sales tax exemption for purchases related to film production.



I also supported HEA 1388 in its original intent. Tax credits and other financial incentives make sense when there is a significant return on the taxpayer's investment, as in the form of new jobs and economic activity that would not have happened otherwise. Regrettably, a good idea became in the end a Christmas tree of giveaways at the expense of Hoosier taxpayers.

House Enrolled Act 1388 provides an unlimited refundable tax credit for all media productions under \$6 million. Much of that activity, including advertising productions, corporate media productions and other digital media productions, is already occurring in Indiana without any incentive. In addition, it provided a 15 per cent credit to an unreasonably wide variety of production-related expenses, including legal fees and script acquisitions. The result was a bill with a price tag, at \$30 million over the biennium, that is simply too high, especially when much of these subsidies would not lead to a single new job or purchase in our state.

My concerns with the bloating of House Enrolled Act 1388 were made well known to those supporting the add-on of these costly incentives. We sought a balanced approach to encourage production activities in a targeted manner, most notably to secure projects that the state would not otherwise have attracted, and which offered the potential of substantial new employment and capital investment.

In the next legislative session, if the General Assembly returns to the original intent and purpose of this legislation—to provide reasonable and targeted tax and financial incentives to encourage film productions with significant employment and capital investment commitments in Indiana—I would be an enthusiastic supporter.

Mitchell E. Daniels, Jr.  
Governor

The Chair handed down House Enrolled Act 1388, passed by the One hundred and fifteenth General Assembly, First Regular Session, entitled:

AN ACT to amend the Indiana Code concerning taxation.

The question was, Shall House Enrolled Act 1388 pass, the Governor's veto notwithstanding?

Roll Call 195: yeas 36, nays 11. The Governor's veto was not sustained.

The Chair instructed the Secretary to inform the House that the Senate had passed House Enrolled Act 1388, the Governor's veto notwithstanding.

## ENGROSSED HOUSE BILLS ON SECOND READING

### Engrossed House Bill 1046

Senator Jackman called up Engrossed House Bill 1046 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

### Engrossed House Bill 1060

Senator Gard called up Engrossed House Bill 1060 for second reading. The bill was read a second time by title.

#### SENATE MOTION (Amendment 1060-1)

Madam President: I move that Engrossed House Bill 1060 be amended to read as follows:

Page 4, line 4, delete "Compact." and insert "**Compact**."

Page 4, line 36, after "council" insert ",".

Page 13, line 36, delete "met, and" and insert "**met and**,".

Page 14, line 1, after "one" insert "**(1)**".

Page 14, line 2, delete "(1)".

Page 29, line 31, after "new" delete ",".

(Reference is to EHB 1060 as printed February 12, 2008.)

GARD

Motion prevailed. The bill was ordered engrossed.

### Engrossed House Bill 1120

Senator Meeks called up Engrossed House Bill 1120 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

### Engrossed House Bill 1179

Senator Bray called up Engrossed House Bill 1179 for second reading. The bill was read a second time by title.

#### SENATE MOTION (Amendment 1179-1)

Madam President: I move that Engrossed House Bill 1179 be amended to read as follows:

Page 2, line 11, delete "directly or indirectly".

Page 2, line 22, after "subdivision" insert "**if the state or political subdivision has been directly or indirectly injured by a violation of this section**".

(Reference is to EHB 1179 as printed February 8, 2008.)

BRAY

Motion prevailed. The bill was ordered engrossed.

## ENGROSSED HOUSE BILLS ON THIRD READING

### Engrossed House Bill 1114

Senator Lawson called up Engrossed House Bill 1114 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 196: yeas 47, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

**Engrossed House Bill 1165**

Senator Becker called up Engrossed House Bill 1165 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 197: yeas 45, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

**Engrossed House Bill 1227**

Senator Gard called up Engrossed House Bill 1227 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 198: yeas 47, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

**MESSAGE FROM THE PRESIDENT PRO TEMPORE OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on February 14, 2008, signed Senate Enrolled Acts: 33, 41, 45, 88, and 210.

DAVID C. LONG  
President Pro Tempore

**SENATE MOTION**

Madam President: I move that Senator Lanane be added as cosponsor of Engrossed House Bill 1120.

MEEKS

Motion prevailed.

**SENATE MOTION**

Madam President: I move that Senator Nugent be added as cosponsor of Engrossed House Bill 1046.

JACKMAN

Motion prevailed.

**SENATE MOTION**

Madam President: I move that Senator Riegsecker be added as second sponsor of Engrossed House Bill 1292.

SMITH

Motion prevailed.

**SENATE MOTION**

Madam President: I move that Senator Charbonneau be added as second sponsor of Engrossed House Bill 1193.

TALLIAN

Motion prevailed.

**SENATE MOTION**

Madam President: I move that Senator Tallian be added as cosponsor of Engrossed House Bill 1120.

MEEKS

Motion prevailed.

**SENATE MOTION**

Madam President: I move that Senator Skinner be added as cosponsor of Engrossed House Bill 1019.

MEEKS

Motion prevailed.

**SENATE MOTION**

Madam President: I move that Senator Hershman be added as coauthor of Senate Concurrent Resolution 44.

LAWSON

Motion prevailed.

**SENATE MOTION**

Madam President: I move that Senator M. Young be added as coauthor of Senate Concurrent Resolution 46.

BRAY

Motion prevailed.

**SENATE MOTION**

Madam President: I move that Senators Kenley and Lubbers be added as coauthors of Senate Concurrent Resolution 21.

DELPH

Motion prevailed.

**SENATE MOTION**

Madam President: I move that Senators Delph and Wyss be added as coauthors of Senate Concurrent Resolution 44.

LAWSON

Motion prevailed.

**SENATE MOTION**

Madam President: I move that Senator Broden be added as cosponsor of Engrossed House Bill 1290.

LAWSON

Motion prevailed.

**SENATE MOTION**

Madam President: I move that Senator Lanane be added as cosponsor of Engrossed House Bill 1122.

**BRAY**

Motion prevailed.

**SENATE MOTION**

Madam President: I move we adjourn until 1:30 p.m., Monday, February 18, 2008.

**LAWSON**

Motion prevailed.

The Senate adjourned at 3:24 p.m.

**MARY C. MENDEL**  
Secretary of the Senate

**REBECCA S. SKILLMAN**  
President of the Senate